HON'BLE SRI JUSTSICE C.V.NAGARJUNA REDDY

WRIT PETITION No.18899 of 1997

15.03.2007

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Between:

Y. Padmavathi

… Petitioner

AND

Government of Andhra Pradesh,
rep. by its Chief Secretary, General Administration
Department, Hyderabad
and others

… Respondents

O R D E R:

This writ petition is filed for declaring the action of the respondents in not implementing the directions dated 01.12.1993 and 09.08.1995 of the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No.2683 of 1993 and of this Court dated 20.07.1995 in Writ Petition No.8151 of 1993 and batch as illegal and arbitrary and for consequentially directing the respondents to appoint the petitioner pursuant to the selection process based on notification No.1 of 1989 dated 02.01.1989.

The petitioner appeared for the examination conducted by Andhra Pradesh Public Service Commission (for short 'the Commission') for selection to category (C) of Group IV services. The Commission sent a memo bearing No.960490/5/IB/92 dated 27.03.1992, whereunder the petitioner was informed that on the basis of the results of the examination held on 31.05.1989 and based on the bio-data particulars furnished by her, she has been provisionally included in the ranking list for recruitment to the post falling under

category IV of Group IV services. It is further stated in the memo that for the purpose of verifying the certificates, the petitioner was directed to submit her application along with the required true copies etc. The petitioner's case is that in spite of the intimation given by the Commission and her producing the necessary certificates, no appointment orders were issued to her.

Heard Shri V.V.L.N. Sarma, learned counsel for the petitioner. None appeared for the respondents.

Shri V.V.L.N. Sarma, learned counsel submitted that persons, who were similarly situated, filed O.A.No.2683 of 1993 and batch which was disposed of by Andhra Pradesh Administrative Tribunal and Writ Petition No.8151 of 1993 and batch which was also disposed of by this Court giving appropriate directions to the Commission to prepare the selection list and make appointments in accordance with the said selection list. He further submitted that though the petitioner's name was included in the ranking list for recruitment, she has not been given appointment orders.

In para 7 of the counter-affidavit filed by the Commission, it has been stated that on the undertaking given by the Commission that all the candidates including the petitioners therein will be considered as per their merit against the vacancies specified by the Tribunal in O.A.No.2683 of 1993, this Court disposed of Writ Petition No.8151 of 1993 and batch with the direction to issue appointment orders to the selected candidates within a month. It has further been stated that as per the orders of the Tribunal, 139 vacancies were filled up under Andhra Pradesh Judicial Ministerial Service out of which 26 vacancies were unfilled due to non-availability of candidates belonging to certain communities like Scheduled Tribes, Physically Handicapped, Ex-servicemen etc. It is further stated that the petitioner could not secure enough marks to get selection against OC vacancies either in A.P. Judicial Ministerial service or in A.P. Ministerial Service against BC-D vacancies. It is stated that the last selected candidate under OC

category for the post of Typist and Steno-Typist under A.P. Judicial Ministerial Service has secured 217.5 marks and 188.5 marks respectively while in respect of A.P. Ministerial Service the last selected candidate in BC-D category for Typist and Steno-Typist secured marks of 184.0 and 167 respectively; that the petitioner secured 127.0 marks only. Thus, the case of the Commission is that the petitioner failed to secure the marks required for appointment and that the persons, who were given appointments, secured higher marks than those secured by the petitioner. No reply affidavit has been filed by the petitioner controverting these allegations and the learned counsel fairly submitted that the petitioner does not have any material to controvert the above-said allegations.

Having regard to the stand taken in the counter-affidavit, it is to be held that the petitioner is not entitled to appointment as the marks secured by her were not sufficient to come up in the merit list for being appointed.

In view of the above, the writ petition is dismissed.

C.V.NAGARJUNA REDDY, J

15.03.2007
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